

**REMARKS**

In the Office Action the Examiner reviewed claims 1-53 of the above-identified US Patent Application, with the result that claims 1-44 were allowed, claims 45-53 were rejected under 35 USC §112, second paragraph, claims 45, 47, 48, and 52 were rejected under 35 USC §102, and claim 46 (which depends from claim 45) was deemed to recite allowable subject matter. In response, Applicant has amended the claims as set forth above. More particularly:

In response to the §112 rejection, independent claim 45 has been amended to clarify how the elements of the element pairs are movable with a single etching step, namely, by using the etching process to delineate anchors (36,40) with which the elements (12,14) are suspended over the cavity (32) and to delineate at least one spring (34) that connects at least one of the sets of elements (12) to its respective anchor (36) to enable relative movement between pairs (20) of elements (12,14). Support for these amendments can be found in Applicant's specification at paragraphs [0020] and [0022].

Applicant believes that the above amendments do not present new matter. Favorable reconsideration and allowance of claims 1-53 are respectfully requested in view of the above amendments and the following remarks.

As noted above, Applicant believes that the 35 USC §112, second paragraph, rejection of claims 45-53 is overcome by the amendments to independent claim 45. Accordingly, withdrawal of the §112 rejection is respectfully requested.

Independent claim 45 and its dependent claims 47, 48 and 52 were rejected under 35 USC §102 as being anticipated by U.S. Patent No. 5,677,783 to Bloom et al. Applicant respectfully requests reconsideration of this rejection in view of the amendments presented above as well as the following comments.

As noted in §2131 of the MPEP:

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. The identical invention must be shown in as complete detail as is contained in the ...claim. The elements must be arranged as required by the claim, but this is not an ipsissimis verbis test, i.e. identity of terminology is not required. (Citations omitted).

Applicant's amended independent claim 45 requires etching a layer (23) overlying a cavity (32) in a surface of a substrate (30) so that portions of the layer (23) are removed to delineate first and second anchors (36,40) attached to the substrate (30) and trenches are formed through the layer (23) to delineate interdigitated sets (20) of elements (12,14) that are interconnected with the anchors (36,40) so as to be suspended over the cavity (32). Furthermore, the etching step is required to delineate at least one spring (34) that connects at least one of the sets of elements (12) to its

anchor (36) to enable relative movement between the sets (20) of interdigitated elements (12,14).

In contrast, Bloom et al. do not disclose multiple sets of interdigitated elements that are suspended over a cavity and capable of moving relative to each other. Instead, Bloom et al. disclose a single set of elements 18 that are suspended over a cavity defined between the elements 18 and a substrate 16. The elements 18 are suspended in a manner that, though allowing for movement of the elements 18 into the cavity toward the underlying substrate 16, does not provide for movement of the elements 18 relative to each other.


In view of the above, Applicant believes that Bloom et al. do not anticipate independent claim 45 nor any of its dependent claims under the test for anticipation set forth at MPEP §2131, and therefore respectfully requests withdrawal of the rejection under 35 USC §102.

### Closing

In view of the above, Applicant believes that the rejections to his claims have been overcome, and that the claims define patentable novelty over all the references, alone or in combination, of record. It is therefore respectfully requested that this patent application be given favorable reconsideration.

Should the Examiner have any questions with respect to any matter now of record, Applicant's representative may be reached at (219) 462-4999.

Respectfully submitted,

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